- 1 -

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	:	Before the Examiner:
Gusler et al.	:	Salce, Jason P.
	:	
Serial No.: 10/004,926	:	Group Art Unit: 2623
	:	
Filing Date: December 5, 2001	:	
	:	
Title: EFFICIENTLY	:	IBM Corporation
IDENTIFYING TELEVISION	:	Intellectual Property Law
STATIONS IN A USER	:	11400 Burnet Road
FRIENDLY ENVIRONMENT	:	Austin, Texas 78758

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I.   REAL PARTY IN INTEREST

The real party in interest is International Business Machines Corporation, which is the assignee of the entire right, title and interest in the above-identified patent application.

II.   RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants, Appellants' legal representative or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III.   STATUS OF CLAIMS

Claims 3-8, 13-18 and 23-28 are pending in the Application. Claims 1-2, 9-12, 19-22 and 29-43 were cancelled. Claims 3-8, 13-18 and 23-28 stand rejected. Claims 3-8, 13-18 and 23-28 are appealed.

IV.   STATUS OF AMENDMENTS

Appellants have not submitted any amendment following receipt of the final office action with a mailing date of July 12, 2007.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 3:

In one embodiment of the present invention, a method for identifying television stations of interest in a user friendly environment comprises the step of receiving broadcast signals for a plurality of television stations. Specification, page 15, lines 10-11; Figure 3, step 301. The method further comprises displaying one or more folders associated with one or more classifications for the plurality of television stations on a display, where each of the one or more folders comprises one or more indications associated with one or more television stations. Specification, page 17, lines 3-7; Figure 3, step 303. The method further comprises determining whether the broadcast signals include tags for associating each of the plurality of television stations with one or more classifications. Specification, page 17, lines 1-3; Figure 3, step 302. Further, if the broadcast signals include the tags then the method further comprises the step of comparing the tags with a list of one or more classifications associated with the plurality of television stations. Specification, page 18, lines 8-14; Figure 3, step 304.

Independent Claim 6:

In one embodiment of the present invention, a method for identifying television stations of interest in a user friendly environment comprises the step of receiving broadcast signals for a plurality of television stations. Specification, page 15, lines 10-11; Figure 3, step 301. The method further comprises displaying one or more folders associated with one or more classifications for the plurality of television stations on a display, where each of the one or more folders comprises one or more indications associated with one or more television stations. Specification, page 17,

lines 3-7; Figure 3, step 303. The method additionally comprises determining whether the broadcast signals include tags for associating each of the plurality of television stations with one or more classifications. Specification, page 17, lines 1-3; Figure 3, step 302. Additionally, the one or more folders associated with the one or more classifications for the plurality of television stations on the display are displayed according to a base set if the broadcast signals do not include the tags. Specification, page 17, lines 3-7; Figure 3, step 303.

Independent Claim 7:

In one embodiment of the present invention, a method for identifying television stations of interest in a user friendly environment comprising the step of receiving broadcast signals for a plurality of television stations. Specification, page 15, lines 10-11; Figure 3, step 301. The method further comprises displaying one or more folders associated with one or more classifications for the plurality of television stations on a display, where each of the one or more folders comprises one or more indications associated with one or more television stations. Specification, page 17, lines 3-7; Figure 3, step 303. The method additionally comprises receiving input to add or delete a particular folder. Specification, page 19, lines 4-9; Figure 3, step 308. Further, the method comprises adding or deleting the particular folder. Specification, page 19, lines 24-27; Figure 3, step 309.

Independent Claim 8:

In one embodiment of the present invention, a method for identifying television stations of interest in a user friendly environment comprises the step of receiving broadcast signals for a plurality of television stations. Specification, page 15, lines 10-11; Figure 3, step 301. The method further comprises displaying one or more folders associated with one or more classifications for the plurality of television stations on a display, where each of the one or more folders comprises one or more indications associated with one or more television stations. Specification, page 17, lines 3-7; Figure 3, step 303. The method additionally comprises receiving input to

add or delete an indication associated with a particular television station associated with a particular folder. Specification, page 20, lines 3-6; Figure 3, step 310. The method further comprises adding or deleting the indication associated with the particular television station associated with the particular folder. Specification, page 20, lines 25-28; Figure 3, step 311.

Independent Claim 13:

In one embodiment of the present invention, a computer program product embodied in a machine readable medium for identifying television stations of interest in a user friendly environment comprising the programming step of receiving broadcast signals for a plurality of television stations. Specification, page 14, lines 3-5; Specification, page 15, lines 10-11; Figure 3, step 301. The computer program product further comprises displaying one or more folders associated with one or more classifications for the plurality of television stations on a display, where each of the one or more folders comprises one or more indications associated with one or more television stations. Specification, page 14, lines 3-5; Specification, page 17, lines 3-7; Figure 3, step 303. The computer program product further comprises determining whether the broadcast signals include tags for associating each of the plurality of television stations with one or more classifications. Specification, page 14, lines 3-5; Specification, page 17, lines 1-3; Figure 3, step 302. Further, if the broadcast signals include the tags then the computer program product further comprises the programming step of comparing the tags with a list of one or more classifications associated with the plurality of television stations. Specification, page 14, lines 3-5; Specification, page 18, lines 8-14; Figure 3, step 304.

Independent Claim 16:

In one embodiment of the present invention, a computer program product embodied in a machine readable medium for identifying television stations of interest in a user friendly environment comprising the programming step of receiving broadcast signals for a plurality of television stations. Specification, page 14, lines 3-

5; Specification, page 15, lines 10-11; Figure 3, step 301. The computer program product further comprises displaying one or more folders associated with one or more classifications for the plurality of television stations on a display, where each of the one or more folders comprises one or more indications associated with one or more television stations. Specification, page 14, lines 3-5; Specification, page 17, lines 3-7; Figure 3, step 303. The computer program product further comprises determining whether the broadcast signals include tags for associating each of the plurality of television stations with one or more classifications. Specification, page 14, lines 3-5; Specification, page 17, lines 1-3; Figure 3, step 302. Further, the one or more folders associated with the one or more classifications for the plurality of television stations on the display are displayed according to a base set if the broadcast signals do not include the tags. Specification, page 14, lines 3-5; Specification, page 17, lines 3-7; Figure 3, step 303.

Independent Claim 17:

In one embodiment of the present invention, a computer program product embodied in a machine readable medium for identifying television stations of interest in a user friendly environment comprising the programming step of receiving broadcast signals for a plurality of television stations. Specification, page 14, lines 3-5; Specification, page 15, lines 10-11; Figure 3, step 301. The computer program product further comprises displaying one or more folders associated with one or more classifications for the plurality of television stations on a display, where each of the one or more folders comprises one or more indications associated with one or more television stations. Specification, page 14, lines 3-5; Specification, page 17, lines 3-7; Figure 3, step 303. The computer program product further comprises receiving input to add or delete a particular folder. Specification, page 14, lines 3-5; Specification, page 19, lines 4-9; Figure 3, step 308. Further, the computer program product comprises adding or deleting the particular folder. Specification, page 14, lines 3-5; Specification, page 19, lines 24-27; Figure 3, step 309.

Independent Claim 18:

In one embodiment of the present invention, a computer program product embodied in a machine readable medium for identifying television stations of interest in a user friendly environment comprising the programming step of receiving broadcast signals for a plurality of television stations. Specification, page 14, lines 3-5; Specification, page 15, lines 10-11; Figure 3, step 301. The computer program product further comprises displaying one or more folders associated with one or more classifications for the plurality of television stations on a display, where each of the one or more folders comprises one or more indications associated with one or more television stations. Specification, page 14, lines 3-5; Specification, page 17, lines 3-7; Figure 3, step 303. The computer program product further comprises receiving input to add or delete an indication associated with a particular television station associated with a particular folder. Specification, page 14, lines 3-5; Specification, page 20, lines 3-6; Figure 3, step 310. The computer program product further comprises adding or deleting the indication associated with the particular television station associated with the particular folder. Specification, page 14, lines 3-5; Specification, page 20, lines 25-28; Figure 3, step 311.

Independent Claim 23:

In one embodiment of the present invention, a system, comprises a memory unit operable for storing a computer program operable for identifying television stations of interest in a user friendly environment. Specification, page 11, lines 11-13, 16-26; Figure 2, elements 204, 206. The system further comprises a processor coupled to the memory unit, where the processor, responsive to the computer program, comprises circuitry operable for receiving broadcast signals for a plurality of television stations. Specification, page 11, lines 11-13; Specification, page 15, lines 10-11; Figure 2, element 201; Figure 3, step 301. The processor further comprises circuitry operable for displaying one or more folders associated with one or more classifications for the plurality of television stations on a display, where each of

the one or more folders comprises one or more indications associated with one or more television stations. Specification, page 11, lines 11-13; Specification, page 17, lines 3-7; Figure 2, element 201; Figure 3, step 303. Further, the processor comprises circuitry operable for determining whether the broadcast signals include tags for associating each of the plurality of television stations with one or more classifications. Specification, page 11, lines 11-13; Specification, page 17, lines 1-3; Figure 2, element 201; Figure 3, step 302. If the broadcast signals include the tags then the processor further comprises circuitry operable for comparing the tags with a list of one or more classifications associated with the plurality of television stations. Specification, page 18, lines 8-14; Figure 3, step 304.

Independent Claim 26:

In one embodiment of the present invention, a system, comprises a memory unit operable for storing a computer program operable for identifying television stations of interest in a user friendly environment. Specification, page 11, lines 11-13, 16-26; Figure 2, elements 204, 206. The system further comprises a processor coupled to the memory unit, where the processor, responsive to the computer program, comprises circuitry operable for receiving broadcast signals for a plurality of television stations. Specification, page 11, lines 11-13; Specification, page 15, lines 10-11; Figure 2, element 201; Figure 3, step 301. The processor further comprises circuitry operable for displaying one or more folders associated with one or more classifications for the plurality of television stations on a display, where each of the one or more folders comprises one or more indications associated with one or more television stations. Specification, page 11, lines 11-13; Specification, page 17, lines 3-7; Figure 2, element 201; Figure 3, step 303. The processor further comprises circuitry operable for determining whether the broadcast signals include tags for associating each of the plurality of television stations with one or more classifications. Specification, page 11, lines 11-13; Specification, page 17, lines 1-3; Figure 2, element 201, Figure 3, step 302. Further, the one or more folders associated with the one or more classifications for the plurality of television stations on the

display are displayed according to a base set if the broadcast signals do not include the tags. Specification, page 17, lines 3-7; Figure 3, step 303.

Independent Claim 27:

In one embodiment of the present invention, a system, comprises a memory unit operable for storing a computer program operable for identifying television stations of interest in a user friendly environment. Specification, page 11, lines 11-13, 16-26; Figure 2, elements 204, 206. The system further comprises a processor coupled to the memory unit, where the processor, responsive to the computer program, comprises circuitry operable for receiving broadcast signals for a plurality of television stations. Specification, page 11, lines 11-13; Specification, page 15, lines 10-11; Figure 2, element 201; Figure 3, step 301. The processor further comprises circuitry operable for displaying one or more folders associated with one or more classifications for the plurality of television stations on a display, where each of the one or more folders comprises one or more indications associated with one or more television stations. Specification, page 11, lines 11-13; Specification, page 17, lines 3-7; Figure 2, element 201; Figure 3, step 303. Further, the processor comprises circuitry operable for receiving input to add or delete a particular folder. Specification, page 11, lines 11-13; Specification, page 19, lines 4-9; Figure 2, element 201; Figure 3, step 308. Additionally, the processor comprises circuitry operable for adding or deleting the particular folder. Specification, page 11, lines 11-13; Specification, page 19, lines 24-27; Figure 2, element 201; Figure 3, step 309.

Independent Claim 28:

In one embodiment of the present invention, a system, comprises a memory unit operable for storing a computer program operable for identifying television stations of interest in a user friendly environment. Specification, page 11, lines 11-13, 16-26; Figure 2, elements 204, 206. The system further comprises a processor coupled to the memory unit, where the processor, responsive to the computer program, comprises circuitry operable for receiving broadcast signals for a plurality

of television stations. Specification, page 11, lines 11-13; Specification, page 15, lines 10-11; Figure 2, element 201; Figure 3, step 301. The processor further comprises circuitry operable for displaying one or more folders associated with one or more classifications for the plurality of television stations on a display, where each of the one or more folders comprises one or more indications associated with one or more television stations. Specification, page 11, lines 11-13; Specification, page 17, lines 3-7; Figure 2, element 201; Figure 3, step 303. The processor additionally comprises circuitry operable for receiving input to add or delete an indication associated with a particular television station associated with a particular folder. Specification, page 11, lines 11-13; Specification, page 20, lines 3-6; Figure 2, element 201; Figure 3, step 310. Further, the processor comprises circuitry operable for adding or deleting the indication associated with the particular television station associated with the particular folder. Specification, page 11, lines 11-13; Specification, page 20, lines 25-28; Figure 2, element 201; Figure 3, step 311.

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A.   Claims 3-5, 13-15 and 23-25 stand rejected under 35 U.S.C. §102(e) as being anticipated by Burnhouse et al. (U.S. Patent Application Publication No. 2002/0056104) (hereinafter "Burnhouse").

B.   Claims 6, 16 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Burnhouse in view of Ismail et al. (U.S. Patent No. 7,146,627) (hereinafter "Ismail").

C.   Claims 7-8, 17-18 and 27-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Burnhouse in view of Rashkovskiy et al. (U.S. Patent Application Publication No. 2004/0034867) (hereinafter "Rashkovskiy").

VII.   ARGUMENT

A.   Claims 3-5, 13-15 and 23-25 are not properly rejected under 35 U.S.C. §102(e) as being anticipated by Burnhouse.

The Examiner has rejected claims 3-5, 13-15 and 23-25 under 35 U.S.C. §102(e) as being anticipated by Burnhouse. Office Action (7/12/2007), page 6. Appellants respectfully traverse these rejections for at least the reasons stated below.

For a claim to be anticipated under 35 U.S.C. §102, each and every claim limitation <u>must</u> be found within the cited prior art reference and arranged as required by the claim. M.P.E.P. §2131.

1.   <u>Claims 3, 13 and 23 are not anticipated by Burnhouse.</u>

Appellants respectfully assert that Burnhouse does not disclose "wherein if said broadcast signals include said tags then the method further comprises the step of: comparing said tags with a list of one or more classifications associated with said plurality of television stations" as recited in claim 3 and similarly in claims 13 and 23. The Examiner cites paragraphs [0036, 0040 and 0052] of Burnhouse as disclosing the above-cited claim limitation. Office Action (7/12/2007), pages 2 and 6. Appellants respectfully traverse.

Burnhouse instead discloses that CPU 29 generates a table of pointers 401 to the EPG stored in the memory. [0036]. Burnhouse further discloses that the table 401 is used for changing the order of channels or programs according to the information to be presented in the guide to the user. [0036]. Burnhouse additionally discloses that using the information downloaded from the satellite transmission, programming and channel selection information is provided to the viewer. [0040]. Burnhouse further discloses that the user will select the category and sub-category folders used to generate the output display. [0052]. Hence, Burnhouse discloses a table of pointers used for changing the order of channels to be presented in a guide to a user. Further, Burnhouse discloses providing programming and channel selection information using the information downloaded from the satellite transmission. Additionally, Burnhouse discloses selecting the category and sub-category folders used to generate the output display.

There is no language in the cited passages that discloses <u>comparing tags</u> <u>with</u> <u>a list of one or more classifications</u>. Further, there is no language in the cited passages that discloses comparing tags with a list of one or more classifications associated with a plurality of television stations. Neither is there any language in the cited passages that discloses comparing tags with a list of one or more classifications associated with a plurality of television stations if the broadcast signals include the tags. Thus, Burnhouse does not disclose all of the limitations of claims 3, 13 and 23, and thus Burnhouse does not anticipate claims 3, 13 and 23. M.P.E.P. §2131.

Further, Burnhouse discloses that the data stream sent from the satellite includes electronic programming guide (EPG) data. [0026]. Burnhouse further discloses that EPG data includes guide data, channel data and program data. [0033]. The Examiner asserts that the EPG data includes tags which refer to the category and subcategories of the programs. Office Action (7/12/2007), page 2. The Examiner further asserts that when a folder (e.g., drama folder) is displayed to the viewer, the EPG data must be parsed in order to display the appropriate programs (e.g., drama programs) in the appropriate category. *Id.* However, the above-cited claim limitation recites <u>comparing the tags</u> (which are included in the broadcast signals) <u>with a list of</u> <u>one or more classifications</u>. There is no comparison being made even under the Examiner's interpretation of Burnhouse. Parsing is not the same as comparing. Neither is there any discussion of <u>comparing EPG data</u> to a <u>list</u> of <u>classifications</u>. Thus, Burnhouse does not disclose all of the limitations of claims 3, 13 and 23, and thus Burnhouse does not anticipate claims 3, 13 and 23. M.P.E.P. §2131.

2.   <u>Claims 4-5, 14-15 and 24-25 are not anticipated by Burnhouse</u>
        <u>for at least the reasons that claims 3, 13 and 23, respectively,</u>
        <u>are not anticipated by Burnhouse.</u>

Claims 4-5, 14-15 and 24-25 each recite combinations of features of independent claims 3, 13 and 23, respectively, and hence claims 4-5, 14-15 and 24-25 are not anticipated by Burnhouse for at least the above-stated reasons that claims 3, 13 and 23, respectively, are not anticipated by Burnhouse.

3.   Claims 4, 14 and 24 are not anticipated by Burnhouse.

Appellants respectfully assert that Burnhouse does not disclose "wherein said one or more folders associated with said one or more classifications for said plurality of television stations on said display are displayed according to a base set if there are no differences between said list of one or more classifications associated with said plurality of television stations and said tags" as recited in claim 4 and similarly in claims 14 and 24. The Examiner cites Figures 3 and 5 and paragraph [0041] of Burnhouse as disclosing the above-cited claim limitation. Office Action (7/12/2007), page 7. Appellants respectfully traverse.

Burnhouse instead discloses that at step 501, a folder-style guide is generated and presented to the user. [0041]. Burnhouse further discloses that the folder-style guide may display several folders, each folder representative of a different type or category of program. [0041]. Burnhouse additionally discloses that in one embodiment, the designated folder may have a title that indicates the type of program in the folder such as drama, sports, etc. [0041]. Hence, Burnhouse discloses displaying folders, where each folder is representative of a category or type of program.

There is no language in the cited passage or in the description of Figures 3 and 5 that discloses that folders associated with one or more classifications for a plurality of television stations on the display are displayed according to a base set. Neither is there any language in the cited passage or in the description of Figures 3 and 5 that discloses that folders associated with one or more classifications for a plurality of television stations on the display are displayed according to a base set if there are no differences between the list of one or more classifications associated with the plurality of television stations and the tags. Thus, Burnhouse does not disclose all of the limitations of claims 4, 14 and 24, and thus Burnhouse does not anticipate claims 4, 14 and 24. M.P.E.P. §2131.

In response to Appellants' above arguments, the Examiner states:

As explained in the previous Office Action, a base set is representative of a category, while a sub-category is representative of a specific set. For example, if a user selects sports form the folder guide of Figure 9, all programs related to the base set of sports are displayed. Therefore, there is no difference between programs that can be further divided into subcategories, because only a category is selected, therefore teaching a base set relating to the selected category. Office Action (7/12/2007), page 3.

Appellants respectfully traverse. The Examiner has not provided any basis in fact and/or technical reasoning to support the assertion that a "base set," as defined in Appellants' Specification, refers to a category and that a "specific set," which is not used in Appellants' Specification, refers to a sub-category. The Examiner must provide a basis in fact and/or technical reasoning to support the assertion that a "base set," as defined in Appellants' Specification, refers to category. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). That is, the Examiner must provide extrinsic evidence that must make clear that a "base set," as defined in Appellants' Specification, refers to category, and that it would be so recognized by persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Since the Examiner has not provided any such objective evidence, the Examiner has not presented a *prima facie* case of anticipation for rejecting claims 4, 14 and 24. M.P.E.P. §2131.

Further, the Examiner has ignored portions of the above-cited claim limitation. Claims 4, 14 and 24 recite that one or more folders associated with the one or more classifications for the plurality of television stations on the display are displayed according to a base set <u>if there are no differences between the list of one or more classifications associated with the plurality of television stations and the tags</u>. Thus, Burnhouse does not disclose all of the limitations of claims 4, 14 and 24, and thus Burnhouse does not anticipate claims 4, 14 and 24. M.P.E.P. §2131.

    4.   <u>Claims 5, 15 and 25 are not anticipated by Burnhouse.</u>

Appellants respectfully assert that Burnhouse does not disclose "wherein if there are differences between said list of one or more classifications associated with said plurality of television stations and said tags then the method further comprises the steps of: updating said list of one or more classifications associated with said plurality of television stations to become a new base set" as recited in claim 5 and similarly in claims 15 and 25. The Examiner cites paragraph [0036] of Burnhouse as disclosing the above-cited claim limitation. Office Action (7/12/2007), page 8. Appellants respectfully traverse.

Burnhouse instead discloses that CPU 29 generates a table of pointers 401 to the EPG stored in the memory. [0036]. Burnhouse further discloses that the table 401 is used for changing the order of channels or programs according to the information to be presented in the guide to the user. [0036]. Hence, Burnhouse discloses a table of pointers where the table is used for changing the order of channels or programs.

There is no language in the cited passage that discloses <u>updating</u> a <u>list of one or more classifications</u>. Instead, Burnhouse simply discloses changing the order of channels. Neither is there any language in the cited passage that discloses updating a list of one or more classifications <u>associated with the plurality of television stations to become a new base set</u>. Neither is there any language in the cited passage that discloses updating a list of one or more classifications associated with the plurality of television stations to become a new base set <u>if there are differences between the list of one or more classifications associated with the plurality of television stations and the tags</u>. Thus, Burnhouse does not disclose all of the limitations of claims 5, 15 and 25, and thus Burnhouse does not anticipate claims 5, 15 and 25. M.P.E.P. §2131.

In response to Appellants' above arguments, the Examiner cites paragraphs [0054-0055 and 0057] of Burnhouse as disclosing the above-cited claim limitation. Office Action (7/12/2007), pages 3-4. Further, the Examiner states:

The examiner notes that the system is not limited to a user only selecting one category and then stuck with category selection, the system permits a user to return to the base screen of Figure 9 and select a different category of programming, thereby allowing a new base set to be selected (Further note the flowchart of Figure 7 and paragraphs 0054-0055 for allowing a user to return to the category selection menu if a different category is desired for selection). Office Action (7/12/2007), page 4.

Appellants respectfully traverse. Burnhouse instead discloses that at step 701, a main menu may be provided on display for selection where the main menu may contain several other menus one of which is the guide menu. [0054]. Burnhouse further discloses that once the guide menu is selected, step 702, the guide menu is displayed, step 704. [0055]. Burnhouse additionally discloses that the folder style guide menu 901 provides several folders (for example, folders 902, 910, 915, 920, 925, 930, 935, 940, 945), each folder representing a category of programming. [0057]. Hence, Burnhouse discloses providing several folders, each folder representing a category (e.g., drama) of programming.

There is no language in the cited passages that discloses updating a list of one or more classifications. Neither is there any language in the cited passage that discloses updating a list of one or more classifications associated with the plurality of television stations to become a new base set. Neither is there any language in the cited passage that discloses updating a list of one or more classifications associated with the plurality of television stations to become a new base set if there are differences between the list of one or more classifications associated with the plurality of television stations and the tags. Thus, Burnhouse does not disclose all of the limitations of claims 5, 15 and 25, and thus Burnhouse does not anticipate claims 5, 15 and 25. M.P.E.P. §2131.

Further, the Examiner's interpretation of a "base set" is not consistent with the definition of a "base set" in Appellants' Specification. The pending claims must be given their broadest reasonable interpretation consistent with the specification. *In re Hyatt*, 211 F.3d 1367, 1372, 54 U.S.P.Q.2d 1664, 1667 (Fed. Cir. 2000); M.P.E.P.

§2111. The broadest reasonable interpretation of the claims must also be <u>consistent with the interpretation that those skilled in the art would reach</u>. *In re Cortright*, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); M.P.E.P. §2111. Since the Examiner has not provided a reasonable interpretation consistent with Appellants' Specification or consistent with the interpretation that those skilled in the art would reach, the Examiner has not presented a *prima facie* case of anticipation for rejecting claims 5, 15 and 25. M.P.E.P. §2111.

Appellants further assert that Burnhouse does not disclose "wherein if there are differences between said list of one or more classifications associated with said plurality of television stations and said tags then the method further comprises the steps of:... displaying one or more folders associated with one or more classifications for said plurality of television stations on said display according to said new base set" as recited in claim 5 and similarly in claims 15 and 25. The Examiner cites Figures 9-10 of Burnhouse as disclosing the above-cited claim limitation. Office Action (7/12/2007), page 8. Appellants respectfully traverse and assert that there is no language in the description of Figures 9 and 10 that discloses displaying folders associated with classifications for the television stations on the display <u>according to the new base set</u>. Thus, Burnhouse does not disclose all of the limitations of claims 5, 15 and 25, and thus Burnhouse does not anticipate claims 5, 15 and 25. M.P.E.P. §2131.

> B. <u>Claims 6, 16 and 26 are not properly rejected under 35 U.S.C. §103(a) as being unpatentable over Burnhouse in view of Ismail.</u>

The Examiner has rejected claims 6, 16 and 26 under 35 U.S.C. §103(a) as being unpatentable over Burnhouse in view of Ismail. Office Action (7/12/2007), page 9. Appellants respectfully traverse these rejections for at least the reasons stated below.

> 1. <u>Burnhouse and Ismail, taken singly or in combination, do not teach at least the following claim limitations.</u>

Appellants respectfully assert that Burnhouse and Ismail, taken singly or in combination, do not teach "wherein said one or more folders associated with said one or more classifications for said plurality of television stations on said display are displayed according to a base set if said broadcast signals do not include said tags" as recited in claim 6 and similarly in claims 16 and 26. The Examiner cites column 27, lines 41-59; column 31, lines 5-37; and column 33, line 65 – column 34, line 32 of Ismail as teaching the above-cited claim limitation. Office Action (7/12/2007), page 10. Appellants respectfully traverse.

Ismail instead teaches that the subscriber's set top box is a set top box 34 which comprises an EPG memory 36 for storing the EPG data from ISP 16. Column 27, lines 41-43. Ismail further teaches that for example, EPG memory 36 may store one or two weeks of EPG data for selective access by the viewer via a menu of the set top box 34. Column 27, lines 43-45. Ismail additionally teaches a set top box 34 that includes EPG memory 36, template memory 38, text page memory 42, a set top box 700, and a set top processor 702 which reads commands from the vertical blanking interval of the incoming video signal and performs the appropriate action. Column 34, line 33, line 66 – column 35, line 4. Ismail additionally teaches that for example, if the incoming command is a text channel definition or EPG definition command from HEC 14, the appropriate update of bit map 704 is performed. Column 35, lines 4-7. Hence, Ismail teaches storing one or two weeks of electronic program guide ("EPG") data for selective access by the viewer via a menu of the set top box.

There is no language in the cited passages that teaches displaying one or more folders associated with one or more classifications for the plurality of television stations on the display according to a base set. Neither is there any language in the cited passages that teaches displaying one or more folders associated with one or more classifications for the plurality of television stations on the display according to a base set if the broadcast signals do not include tags. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 6, 16 and 26, since

the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

> 2.   Examiner's rationale for modifying Burnhouse with Ismail to include the missing claim limitation of claims 6, 16 and 26 is insufficient to establish a *prima facie* case of obviousness.

Most if not all inventions arise from a combination of old elements. *See In re Rouffet*, 47 U.S.P.Q.2d 1453, 1457 (Fed. Cir. 1998). Obviousness is determined from the vantage point of a hypothetical person having ordinary skill in the art to which the patent pertains. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1457 (Fed. Cir. 1998). Therefore, an Examiner may often find every element of a claimed invention in the prior art. *Id.* However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. *See Id.* In order to establish a *prima facie* case of obviousness, the Examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998). The Examiner must provide articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007).

The Examiner admits that Burnhouse does not teach displaying one or more folders associated with one or more classifications for the plurality of television stations on the display according to a base set if the broadcast signals do not include the tags, as recited in claim 6 and similarly in claims 16 and 26. Office Action (7/12/2007), pages 9-10. The Examiner asserts that Ismail teaches the above-cited claim limitation. *Id.* at page 10. The Examiner's reasoning for modifying Burnhouse with Ismail to include the above-cited claim limitation is "for the purpose of allowing the viewer's set top box to store one or two weeks of EPG data for selective access by the viewer via a menu of the set top box (see column 27, lines 41-45 of Ismail), which additionally allows acceptable memory costs during manufacture of the set top box

(see column 27, lines 58-59 of Ismail), by only transmitting a limited amount of EPG data at a time." *Id.* The Examiner's reasoning is insufficient to establish a *prima facie* case of obviousness in rejecting claims 6, 16 and 26.

The Examiner' rationale ("for the purpose of allowing the viewer's set top box to store one or two weeks of EPG data for selective access by the viewer via a menu of the set top box (see column 27, lines 41-45 of Ismail), which additionally allows acceptable memory costs during manufacture of the set top box (see column 27, lines 58-59 of Ismail), by only transmitting a limited amount of EPG data at a time") does not provide reasons, as discussed further below, that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would modify Burnhouse to include the above-indicated missing claim limitation of claims 6, 16 and 26. Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 6, 16 and 26. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007); *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998).

As stated above, the Examiner cites column 27, lines 41-45 and 58-59 of Ismail as support for the Examiner's reasoning for modifying Burnhouse with Ismail to include the missing claim limitation of claims 6, 16 and 26. Ismail teaches that the subscriber's set top box is a set top box 34 which comprises an EPG memory 36 for storing the EPG data from ISP 16. Column 27, lines 41-43. Ismail further teaches that for example, EPG memory 36 may store one or two weeks of EPG data for selective access by the viewer via a menu of the set top box 34. Column 27, lines 43-45. Ismail further teaches that of course, different set top boxes 34 may have varied amounts of memory and processing capabilities for such purposes in accordance with the acceptable memory costs during manufacture of the set top box 34. Column 27, lines 56-59. Hence, Ismail teaches storing one or two weeks of electronic program guide data. Ismail further teaches that different top boxes may have varied amounts

of memory and processing capabilities for such purposes in accordance with the acceptable memory costs during manufacture of the set top box.

As understood by Appellants, the Examiner asserts that because Ismail allows the storage of one to two weeks of electronic program guide that this additionally allows acceptable memory costs during the manufacture of the set top box. This is incorrect. Instead, Ismail makes the statement that different set top boxes may have varied amounts of memory and processing capabilities for such purposes in accordance with the acceptable memory costs during manufacture of the set top box. Further, there is no language in Ismail that supports the assertion that Ismail teaches having acceptable memory costs during the manufacture of the top set box by only transmitting a limited amount of EPG data at a time. Hence, column 27, lines 41-45 and 58-59 of Ismail (the passages cited by the Examiner as support for the Examiner's reasoning) does not support the Examiner's reasoning.

Further, there is no language in Ismail (and in particular column 27, lines 41-45 and 58-59 of Ismail) that makes any suggestion to display one or more folders associated with one or more classifications for the plurality of television stations on the display according to a base set if the broadcast signals do not include the tags (missing claim limitation) in order to allow acceptable memory costs during the manufacture of the set top box by only transmitting a limited amount of EPG data at a time. The Examiner has to provide some rational connection between the cited passages that is the source of the reasoning and the missing claim limitation. The Examiner's source of reasoning (column 27, lines 41-45 and 58-59 of Ismail) does not provide reasons as to why one skilled in the art would modify Burnhouse to include the missing claim limitation of claims 6, 16 and 26. Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 6, 16 and 26. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007); *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998).

Furthermore, Burnhouse addresses the problem of generating a folder guide to generate tailored broadcast system electronic program guides. [0005]. The Examiner has not provided any reasons as to why one skilled in the art would modify Burnhouse (which teaches generating a folder guide to generate tailored broadcast system electronic program guides) to display one or more folders associated with one or more classifications for the plurality of television stations on the display according to a base set if the broadcast signals do not include the tags (missing claim limitation). The Examiner's rationale ("for the purpose of allowing the viewer's set top box to store one or two weeks of EPG data for selective access by the viewer via a menu of the set top box (see column 27, lines 41-45 of Ismail), which additionally allows acceptable memory costs during manufacture of the set top box (see column 27, lines 58-59 of Ismail), by only transmitting a limited amount of EPG data at a time") does not provide such reasoning.

Why would the reason to modify Burnhouse (whose purpose is to generate a folder guide to generate tailored broadcast system electronic program guides) to display one or more folders associated with one or more classifications for the plurality of television stations on the display according to a base set if the broadcast signals do not include the tags (missing claim limitation) be to allow acceptable memory costs during the manufacture of the set top box? Burnhouse is not concerned with memory costs during the manufacture of the set top box. The Examiner cannot completely ignore the teachings of Burnhouse in concluding it would have been obvious to modify Burnhouse to include the missing claim limitation of claims 6, 16 and 26.[1] Further, how does acceptable memory costs (Examiner's reasoning) relate to

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[1] For example, suppose that the invention of a super soaker gun (essentially a plastic gun that shoots water) was never developed and an Applicant filed for a patent application on the super soaker gun. Applicant claims a plastic gun with a container of water that shoots water. The Examiner cites a primary reference that teaches a plastic gun that shoots darts and cites a secondary reference that teaches a plastic toy that contains a container of water. Since the primary reference does not teach a container filled with water, the Examiner cites the secondary reference as teaching this missing claim limitation. The secondary reference specifically states that the purpose of the container is to carry water. The Examiner then concludes that it would have been obvious to modify the primary reference with the secondary reference in order to carry water. The Examiner believes that he/she has

displaying one or more folders associated with one or more classifications for the plurality of television stations on the display according to a base set if the broadcast signals do not include the tags (missing claim limitation)? Hence, the Examiner's reasoning does not provide reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would modify Burnhouse to include the missing claim limitation of claims 6, 16 and 26. Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 6, 16 and 26. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007); *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998).

In response to Appellants' above arguments, the Examiner states:

> The examiner notes that in order to understand the answer to this question, Applicant must recognize how the examiner has interpreted the broad claim limitations. The examiner is taking a broadest reasonable interpretation to the claims. While the specification of the instant application teaches that a base set is created according to the tags and if not tags are present, the television programs that have no tag information are placed into a dump/other/miscellaneous folder. However, the claims are broad and simply state that folders are displayed according to a base set if the broadcast signals do not include said tags (EPG information). Therefore, if Burnhouse were modified to periodically update EPG data, then the time between updates (days, weeks, months) the broadcast signals would not include tag information, therefore, Burnhouse would be modified to display folders according to a base set (sports) if said broadcast signals do not include said tags (because the EPG has not been updated, therefore, the time between updates represents the time broadcast signals do not include tags). The examiner understands this interpretation is different

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established a *prima facie* case of obviousness since the Examiner has found a reason to have a container of water. However, the Examiner is completely ignoring the teaching of the primary reference. Why would one skilled in the art modify a plastic gun that shoots darts to have a container of water? This is the key question to answer. While having a container of water may be used to carry water, that is irrelevant as far as the purpose of the primary reference. Simply citing to a passage in the secondary reference that discusses the purpose of that secondary reference may not be sufficient evidence for an obviousness rejection. After all, surely there is a reason as to why the secondary reference teaches the missing claim limitation or else why would it include it? The Examiner must explain the connection between the teachings of the primary reference and the rationale of the secondary reference for including the missing claim limitation. Otherwise, everything can be deemed obvious and virtually nothing can be patented.

from Applicant's specification, however, the claims have been drafted broadly and the examiner's broadest reasonable interpretation is proper. Office Action (7/12/2007), pages 4-5.

Appellants respectfully traverse. Appellants traverse the Examiner's interpretation of Appellants' Specification. The Examiner must provide a basis in fact and/or technical reasoning to support the assertion that Appellants' Specification teaches that a base set is created according to tags or that if no tags are present, the television programs that have no tag information are placed into a dump/other/miscellaneous folder. *See Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). That is, the Examiner must provide extrinsic evidence that must make clear that Appellants' Specification teaches that a base set is created according to tags or that if no tags are present, the television programs that have no tag information are placed into a dump/other/miscellaneous folder, and that it would be so recognized by persons of ordinary skill. *See In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999).

Further, as understood by Appellants, the <u>Examiner admits to interpreting the claims inconsistent with Appellants' Specification</u>. However, the pending claims must be given their broadest reasonable interpretation <u>consistent with the specification</u>. *In re Hyatt*, 211 F.3d 1367, 1372, 54 U.S.P.Q.2d 1664, 1667 (Fed. Cir. 2000); M.P.E.P. §2111. The broadest reasonable interpretation of the claims must also be <u>consistent with the interpretation that those skilled in the art would reach</u>. *In re Cortright*, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); M.P.E.P. §2111. If the Examiner is correct that the Examiner can interpret claims inconsistent with Appellants' Specification, then what is the purpose of having a Specification?

With respect to the Examiner's interpretation of Burnhouse and the rationale for modifying Burnhouse to incorporate the missing claim limitations of claims 6, 16 and 26, Appellants could not follow the Examiner's logic. Appellants respectfully assert that the Examiner has not provided a rational underpinning for modifying Burnhouse for including the missing claim limitations of claims 6, 16 and 26, and

hence the Examiner has not established a *prima facie* case of obviousness in rejecting claims 6, 16 and 26. *KSR International Co. v. Teleflex Inc.*, 82 U.S.P.Q.2d 1385, 1396 (U.S. 2007); *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998).

C.   Claims 7-8, 17-18 and 27-28 are not properly rejected under 35 U.S.C. §103(a) as being unpatentable over Burnhouse in view of Rashkovskiy.

The Examiner has rejected claims 7-8, 17-18 and 27-28 under 35 U.S.C. §103(a) as being unpatentable over Burnhouse in view of Rashkovskiy. Office Action (7/12/2007), page 11. Appellants respectfully traverse these rejections for at least the reasons stated below.

Appellants respectfully assert that Burnhouse and Rashkovskiy, taken singly or in combination, do not teach "receiving input to add or delete a particular folder; and adding or deleting said particular folder" as recited in claim 7 and similarly in claims 17 and 27. The Examiner cites Figure 6 and paragraph [0014] of Rashkovskiy as teaching the above-cited claim limitation. Office Action (7/12/2007), page 11. Appellants respectfully traverse.

Rashkovskiy instead teaches a graphical user interface 10 for implementing an electronic content guide that includes a plurality of selectable category icons 12 represented as "virtual" file folders. [0014]. Rashkovskiy further teaches that each category icon 12 may be pre-defined or may be user definable. [0014]. Rashkovskiy additionally teaches that category icon 12a is provided for favorite programs, 12b for movies, 12c for currently available programs, 12d for programs available in the next hour, 12e for sports programs, 12f for news and 12g for animal related content. [0014]. Hence, Rashkovskiy teaches an electronic content guide that includes selectable category icons represented as "virtual" file folders.

There is no language in the description of Figure 6 or in the cited passage that teaches receiving input to add or delete a particular folder. Neither is there any language in the description of Figure 6 or in the cited passage that teaches adding or

24

deleting a particular folder. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 7, 17 and 27, since the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Appellants further assert that Burnhouse and Rashkovskiy, taken singly or in combination, do not teach "receiving input to add or delete an indication associated with a particular television station associated with a particular folder; and adding or deleting said indication associated with said particular television station associated with said particular folder" as recited in claim 8 and similarly in claims 18 and 28. The Examiner cites paragraph [0020] of Rashkovskiy as teaching the above-cited claim limitations. Office Action (7/12/2007), page 12. Appellants respectfully traverse.

Rashkovskiy instead teaches that the user has selected favorite programs that are currently available in the illustrated example. [0020]. Rashkovskiy further teaches that the basis for defining favorites may be extremely varied. [0020]. Rashkovskiy additionally teaches that the user may simply enter what the user decides at any given instance of time, such as any given day of the week, are his or her favorite programs. [0020]. Furthermore, Rashkovskiy teaches that as another example, the system can automatically discern what are the favorite programs on how frequently the user views a given program over varying time periods. [0020]. Hence, Rashkovskiy teaches allowing the user to select his/her favorite programs.

There is no language in the cited passage that teaches receiving input to add or delete an indication associated with a particular television station. Neither is there any language in the cited passage that teaches receiving input to add or delete an indication associated with a particular television station associated with a particular folder. Neither is there any language in the cited passage that teaches adding or deleting the indication associated with the particular television station. Neither is there any language in the cited passage that teaches adding or deleting the indication

associated with the particular television station associated with the particular folder. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 8, 18 and 28, since the Examiner is relying upon incorrect, factual predicates in support of the rejection. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).
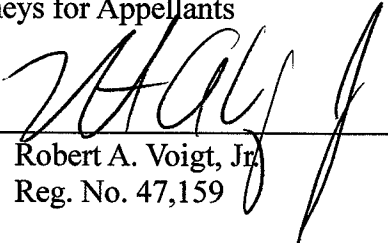
VIII.   CONCLUSION

For the reasons noted above, the rejections of claims 3-8, 13-18 and 23-28 are in error. Appellants respectfully request reversal of the rejections and allowance of claims 3-8, 13-18 and 23-28.

Respectfully submitted,

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CLAIMS APPENDIX

3.   A method for identifying television stations of interest in a user friendly environment comprising the steps of:

　　　receiving broadcast signals for a plurality of television stations;

　　　displaying one or more folders associated with one or more classifications for said plurality of television stations on a display, wherein each of said one or more folders comprises one or more indications associated with one or more television stations; and

　　　determining whether said broadcast signals include tags for associating each of said plurality of television stations with one or more classifications;

　　　wherein if said broadcast signals include said tags then the method further comprises the step of:

　　　　　comparing said tags with a list of one or more classifications associated with said plurality of television stations.

4.   The method as recited in claim 3, wherein said one or more folders associated with said one or more classifications for said plurality of television stations on said display are displayed according to a base set if there are no differences between said list of one or more classifications associated with said plurality of television stations and said tags.

5.   The method as recited in claim 3, wherein if there are differences between said list of one or more classifications associated with said plurality of television stations and said tags then the method further comprises the steps of:

　　　updating said list of one or more classifications associated with said plurality of television stations to become a new base set; and

　　　displaying one or more folders associated with one or more classifications for said plurality of television stations on said display according to said new base set.

6.   A method for identifying television stations of interest in a user friendly

environment comprising the steps of:

receiving broadcast signals for a plurality of television stations;

displaying one or more folders associated with one or more classifications for said plurality of television stations on a display, wherein each of said one or more folders comprises one or more indications associated with one or more television stations; and

determining whether said broadcast signals include tags for associating each of said plurality of television stations with one or more classifications;

wherein said one or more folders associated with said one or more classifications for said plurality of television stations on said display are displayed according to a base set if said broadcast signals do not include said tags.

7.   A method for identifying television stations of interest in a user friendly environment comprising the steps of:

receiving broadcast signals for a plurality of television stations;

displaying one or more folders associated with one or more classifications for said plurality of television stations on a display, wherein each of said one or more folders comprises one or more indications associated with one or more television stations;

receiving input to add or delete a particular folder; and

adding or deleting said particular folder.

8.   A method for identifying television stations of interest in a user friendly environment comprising the steps of:

receiving broadcast signals for a plurality of television stations;

displaying one or more folders associated with one or more classifications for said plurality of television stations on a display, wherein each of said one or more folders comprises one or more indications associated with one or more television stations;

receiving input to add or delete an indication associated with a particular

television station associated with a particular folder; and

adding or deleting said indication associated with said particular television station associated with said particular folder.

13.   A computer program product embodied in a machine readable medium for identifying television stations of interest in a user friendly environment comprising the programming steps of:

receiving broadcast signals for a plurality of television stations;

displaying one or more folders associated with one or more classifications for said plurality of television stations on a display, wherein each of said one or more folders comprises one or more indications associated with one or more television stations; and

determining whether said broadcast signals include tags for associating each of said plurality of television stations with one or more classifications;

wherein if said broadcast signals include said tags then the computer program product further comprises the programming step of:

comparing said tags with a list of one or more classifications associated with said plurality of television stations.

14.   The computer program product as recited in claim 13, wherein said one or more folders associated with said one or more classifications for said plurality of television stations on said display are displayed according to a base set if there are no differences between said list of one or more classifications associated with said plurality of television stations and said tags.

15.   The computer program product as recited in claim 13, wherein if there are differences between said list of one or more classifications associated with said plurality of television stations and said tags then the computer program product further comprises the programming steps of:

updating said list of one or more classifications associated with said plurality

of television stations to become a new base set; and

displaying one or more folders associated with one or more classifications for said plurality of television stations on said display according to said new base set.

16.   A computer program product embodied in a machine readable medium for identifying television stations of interest in a user friendly environment comprising the programming steps of:

receiving broadcast signals for a plurality of television stations;

displaying one or more folders associated with one or more classifications for said plurality of television stations on a display, wherein each of said one or more folders comprises one or more indications associated with one or more television stations; and

determining whether said broadcast signals include tags for associating each of said plurality of television stations with one or more classifications;

wherein said one or more folders associated with said one or more classifications for said plurality of television stations on said display are displayed according to a base set if said broadcast signals do not include said tags.

17.   A computer program product embodied in a machine readable medium for identifying television stations of interest in a user friendly environment comprising the programming steps of:

receiving broadcast signals for a plurality of television stations;

displaying one or more folders associated with one or more classifications for said plurality of television stations on a display, wherein each of said one or more folders comprises one or more indications associated with one or more television stations; and

receiving input to add or delete a particular folder; and

adding or deleting said particular folder.

18.   A computer program product embodied in a machine readable medium for

identifying television stations of interest in a user friendly environment comprising the programming steps of:

receiving broadcast signals for a plurality of television stations;

displaying one or more folders associated with one or more classifications for said plurality of television stations on a display, wherein each of said one or more folders comprises one or more indications associated with one or more television stations; and

receiving input to add or delete an indication associated with a particular television station associated with a particular folder; and

adding or deleting said indication associated with said particular television station associated with said particular folder.

23.   A system, comprising:

a memory unit operable for storing a computer program operable for identifying television stations of interest in a user friendly environment; and

a processor coupled to said memory unit, wherein said processor, responsive to said computer program, comprises:

circuitry operable for receiving broadcast signals for a plurality of television stations;

circuitry operable for displaying one or more folders associated with one or more classifications for said plurality of television stations on a display, wherein each of said one or more folders comprises one or more indications associated with one or more television stations; and

circuitry operable for determining whether said broadcast signals include tags for associating each of said plurality of television stations with one or more classifications;

wherein if said broadcast signals include said tags then said processor further comprises:

circuitry operable for comparing said tags with a list of one or more classifications associated with said plurality of television stations.

24.   The system as recited in claim 23, wherein said one or more folders associated with said one or more classifications for said plurality of television stations on said display are displayed according to a base set if there are no differences between said list of one or more classifications associated with said plurality of television stations and said tags.

25.   The system as recited in claim 23, wherein if there are differences between said list of one or more classifications associated with said plurality of television stations and said tags then said processor further comprises:

circuitry operable for updating said list of one or more classifications associated with said plurality of television stations to become a new base set; and

circuitry operable for displaying one or more folders associated with one or more classifications for said plurality of television stations on said display according to said new base set.

26.   A system, comprising:

a memory unit operable for storing a computer program operable for identifying television stations of interest in a user friendly environment; and

a processor coupled to said memory unit, wherein said processor, responsive to said computer program, comprises:

circuitry operable for receiving broadcast signals for a plurality of television stations;

circuitry operable for displaying one or more folders associated with one or more classifications for said plurality of television stations on a display, wherein each of said one or more folders comprises one or more indications associated with one or more television stations; and

circuitry operable for determining whether said broadcast signals include tags for associating each of said plurality of television stations with one or more classifications;

wherein said one or more folders associated with said one or more

classifications for said plurality of television stations on said display are displayed according to a base set if said broadcast signals do not include said tags.

27.   A system, comprising:

    a memory unit operable for storing a computer program operable for identifying television stations of interest in a user friendly environment; and

    a processor coupled to said memory unit, wherein said processor, responsive to said computer program, comprises:

        circuitry operable for receiving broadcast signals for a plurality of television stations;

        circuitry operable for displaying one or more folders associated with one or more classifications for said plurality of television stations on a display, wherein each of said one or more folders comprises one or more indications associated with one or more television stations;

        circuitry operable for receiving input to add or delete a particular folder; and

        circuitry operable for adding or deleting said particular folder.

28.   A system, comprising:

    a memory unit operable for storing a computer program operable for identifying television stations of interest in a user friendly environment; and

    a processor coupled to said memory unit, wherein said processor, responsive to said computer program, comprises:

        circuitry operable for receiving broadcast signals for a plurality of television stations;

        circuitry operable for displaying one or more folders associated with one or more classifications for said plurality of television stations on a display, wherein each of said one or more folders comprises one or more indications associated with one or more television stations;

        circuitry operable for receiving input to add or delete an indication associated

with a particular television station associated with a particular folder; and

circuitry operable for adding or deleting said indication associated with said particular television station associated with said particular folder.

EVIDENCE APPENDIX

No evidence was submitted pursuant to §§1.130, 1.131, or 1.132 of 37 C.F.R. or of any other evidence entered by the Examiner and relied upon by Appellants in the Appeal.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings to the current proceeding.

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